

somebody else in the car?"

Kennedy: "Yes."

Arena: "Are they in the water?"

Kennedy: "No."

Arena: "Can I talk to you?"

Kennedy: "Yes."

Arena: "Would you like to talk to me?"

But Kennedy distinctly preferred to explain things at the Edgartown station house. When Arena got back he told Kennedy he was sorry about what happened; Kennedy was direct: "Yes, I know, I was the driver." Arena accepted the information, glumly: "What would you like for me to do?" Kennedy reportedly said, "We must both do what is right or we will both be criticized for it."

Reminded of that, Arena requested a statement; Kennedy preferred to write that out, so Arena conducted him to the Selectman's office down the hall, where he and Markham—Markham block printing it out—produced Kennedy's original version of what had happened. Before he attempted that, though, Kennedy telephoned the Kopechne parents and, sobbing heavily, finally made clear to them that their daughter Mary Jo had died in an accident.

There were police details enough to keep Kennedy around Edgartown for the next five hours: he telephoned his Washington office repeatedly, attempting to be sure of background information, to try to get David Burke to locate his driver's license, which was reportedly discovered in the glove compartment of his McLean car, mostly to try to surmise and get ready for whatever in God's name was going to happen now. At a quarter to three, two policemen transported Kennedy, Gargan and Markham to the Martha's Vineyard Airport to catch a charter to Hyannis Port. Kennedy was in the front seat. *Oh, my God, what has happened?*, one of them reports him as having mumbled, over and over. *What's happened?* "There was," the inspector remembers, "no direct conversation."

The moment his charter set down at Barnstable Airport that Saturday, Edward Kennedy was quietly and inconspicuously driven home. Kennedy circuits had been alive for six hours now with this unaccountable but galvanizing news. "The Boss drove off a bridge on Martha's Vineyard and one of Bobby's secretaries got killed," Dave Burke called the D.C. office to inform Dick Drayne, Kennedy's press man, who was granting a magazine reporter one of his shrugged-through hinting-around interviews behind his balustrade of piled yellow clips.

"Anything happen?" the reporter asked; Drayne looked perplexed.

"No—no, nothing, really," Drayne assured the interviewer. "I sat there all through that morning waiting for the roof to fall in," Drayne later admitted. "The story was on the wires, about a former Kennedy secretary getting drowned. I knew what they didn't, that he was driving the car. It was unbelievable. People poured in here, and I could only give them what was already

public." Burke got to the office; Kennedy kept calling in from the Edgartown police station, four or five times. "I could tell he was very upset, very depressed, but he could still come up with answers," Drayne says.

Burke reached Dun Gifford at his vacation house on Nantucket Island at half-past ten: Burke, then Kennedy (whom Gifford called back to corroborate his instructions) told Gifford to island-hop as soon as he could to Edgartown and help identify Mary Jo's corpse, and see to it that the remains were removed to whatever funeral home the Kopechnes selected.

By the time Gifford arrived the County Associate Medical Examiner, Dr. Donald R. Mills, had gone over the body quickly at pondside, diagnosed death by drowning—the characteristic bloody foam brought up by drowning victims had stained Mary Jo's collar and the back of her blouse—determined to his own satisfaction that there had been no indication of any kind of foul play, no bruises or fractures, nothing to suggest the need for an autopsy. Mills so informed the office of District Attorney Dinis, who had left that decision to Mills, and turned the body over routinely to Eugene Frieh, the area mortician. Frieh and an assistant washed away the brine, drew off a blood sample which, when tested, indicated the equivalency of .09 percent alcohol in her system, perhaps three drinks' worth, examined the corpse closely enough themselves to be sure that there was no noticeable bruise on it except a slight abrasion of a knuckle of the left hand, and went ahead and embalmed it. Even before Gifford had arrived, the mortician had received a telephone call from John Kietly of the Kietly Funeral Home in Plymouth, Pennsylvania, who claimed to have been authorized by Mrs. Kopechne to see that the body was returned to Plymouth as soon as possible for burial. By that time the newspaper editorialists, hungry for detail and increasingly doubting, were wondering in print why no autopsy had been performed so far; two parish priests materialized almost immediately at the Kopechnes' door to advise the family: "Mary Jo is with God. She is at rest. Don't disturb her." The Kopechnes agreed. By then the Kennedy women, Ethel and Joan in particular, had telephoned condolences and were moving in to help however they could.

Later in the morning that skull-breaking Saturday after, David Burke had finally located the legendary Burke Marshall, in Waltham, Massachusetts, working on the records at the Kennedy archives. Edward Kennedy was subsequently to refer to Marshall as "one of the oldest and dearest friends I have." If, in his way, Marshall was, the emotion arrived secondhand through Bobby. There are certain unmistakable rare faces and unforgettable voices one takes in, almost immediately, as much too worldly sad to corrupt: Marshall has one of each, his look gone honorably at forty-seven to chiseled corners and leathery pouches; a compassionate, almost tear-threatened voice within

which every word is patient, solemn, carefully measured first, then bitten one final time before release. "I told him I'd come down there and help wherever I could as his friend and attorney," Marshall remembers; he arrived at the Compound between one and two, preceding the returned Kennedy.

With Marshall's arrival, control slipped irrecoverably out of Kennedy's tremulous hands. Importing Burke Marshall to deal with a motor-vehicle-code violation was tantamount to whipping frosting with the great screw propeller of the *Queen Elizabeth*. Burke Marshall was heavy legal equipment. He had made his name originally as a standout antitrust lawyer in Washington, accepted Bobby's offer to come into the Justice Department as the Assistant U. S. Attorney General in charge of Civil Rights, and—turning down the deanship of the Yale Law School for the time—had taken employment as the General Counsel and Vice-President of IBM; with him in his attaché case he brought along a note from Lyndon Johnson that maintained that "in thirty-three years of service with the Federal Government, the President had never known a person who rendered a better quality of public service." Very few of Bob Kennedy's favorites gleaned recommendations like that from J.F.K.'s volcanic successor.

"When I talked at first to Ted after he was back in Hyannis Port he was so upset he didn't... the question really was where to begin," Marshall remembers. "I advised him to have a medical examination. He truly did not know whether he might have had a medical problem. He was obviously disoriented, but he appeared coherent. Then, after I was with him for a while I came to the conclusion he had a blockage, that a lot of his mind wasn't accepting yet what was happening to him. He told me he had been convinced, somehow, that Mary Jo Kopechne got out, got away. I don't think he shook that idea for a while. The Kennedys have a way of seeming fine, going forward without interruption under stress—I remember them all at the time of Bobby's funeral—but inside a great deal is blocked off. That night, in that situation, I think Ted Kennedy might very well have functioned so that the people with him, particularly if they weren't strong-minded people, would think that he knew exactly what he was doing."

Marshall's corner-turning earliest decision was to try and keep Kennedy from risking any further kind of public explanation until, at the very earliest, he had stood trial on whatever charges Chief Arena decided to press. Leaving the scene of an accident was the probable offense, but there were much more serious possibilities: driving to endanger, or even, quite possibly, manslaughter. Kennedy's condition varied hour by hour: at times throughout that week he talked of abandoning everything, leaving politics; the people closest to him found him inconsolable one moment, virtually normal an hour afterward; the danger was great of his breaking down badly at a press confer-

ence, presenting himself as hopeless. "The reason I thought he should not make a statement to the press," Marshall admits now, "was that I did not know enough about his legal situation. A lawyer's instinct with his friends and clients is to shut up. Politically," Marshall now muses, "it was a bad thing, I suppose. . . ."

Largely innocent of the gritty workings of either the Massachusetts Criminal Code or the bathos and backstabbing of Commonwealth politics, Marshall started to telephone some of the Kennedys' more workaday lawyerly contacts to confirm the details. Personal feelings were inevitably bruised. "I don't think I should have slashed my wrists or anything," says one Boston retainer who had put in his years for Ted and found himself left out of this cataclysmic turn of things. Marshall had refused to believe the man's intensely offered version of the relevant ordinance. "I told him, 'Just so you know. The statute's been changed.' He wasn't taking it in: I had already checked the whole island out; within twenty minutes, I knew that X who was involved had a drinking problem, the judge was likely to react *this* way. . . . We had the whole book on the guy. And I wasn't . . . couldn't. . . . Here they had a guy at the controls who just did not know the factual situation."

Nit pickers from the press were already arriving by the hundreds: they were already out there by nightfall, already sore in the arches and angry, pacing the elm-lined residential streets, beyond the police rope-off, peeping over Hyannis Port picket fences. Another avatar of the desperately missed Bobby, Richard Goodwin, the man Bob had respected the most, if grudgingly at times, for his reliable apprehension of the oncoming public mood, had already been buckled into the crisis in case a statement had to be readied quickly. Perhaps earlier than anybody there, Goodwin was attentive to the thunder of newsmen outside shifting from foot to foot, waiting, calling their city desks and raging editors, again, with nothing, again, no report. The delay was insupportable; still, as the very largest decisions hovered, Kennedy was "obviously panicky still," Goodwin says flatly. "Obviously really shaken up, and yet nobody else was really willing to make the kind of serious decisions a situation of this sort required. We had there a great, headless, talented monster. Nobody could decide what to do. So, finally, by the middle of the week they transformed it into a political problem, which they could deal with. I left after the third day; by then they were trying to say something and still avoid the connotation of immorality—the old Irish-Catholic fear of ever suggesting that you were screwing anybody outside of marriage. Drink and sex acquired a disproportionate size." Goodwin had already prepared a comprehensive description, low-keyed, based on the facts he had been told, with as many loopholes covered as possible, which he recommended affixing to the police report and so making available to the

ravaging press indirectly.

Kennedy remained paralyzed. "Never would have happened if Bobby was there," Lyndon Johnson had snorted in Johnson City on viewing the first reports of the incident; Ted Kennedy, in his heart, was fully aware of that. A piece of his mind knocked flat, he was being looked at, waited for, playing a numb Bobby himself throughout that unending personal missile crisis. Old Kennedy hands like McNamara, angry for the legacy, were demanding, pique showing, to hear the entire truth. As he came to himself slowly Ted was being reduced, more the baby brother again hour by hour, the confidence he needed shaken by the dubious Camelotians who were catechizing him unremittently, and discovering him short.

"The week afterward I remember as a time of great and searching speculation over the incidents surrounding the whole tragedy," Kennedy says now. "I didn't want to set up any kind of discussion with the funeral coming up, the grief of the family . . . many cross streams, people coming up and saying you ought to go to press conferences, my own feeling about the circumstances. It was just a very . . . I don't know how you'd describe the period other than as a great . . . great—What seemed important one hour seemed unimportant a second hour, enormously difficult and complex. . . ."

As frequently, Kennedy's own later assessment of the predicament is likely to stand up as the most reasoned, the most sensitive and yet, uncannily, the most de-emotionalized around. "By the time I got back to the Cape and saw Ted—it was Sunday night or Monday, I can't remember which—he was in a state of mind I'd never quite seen him in before—down but determined," Dun Gifford says. "He wanted to make a statement, go to court and get the whole goddamned thing settled right then." Yet, as Kennedy himself says, hours later he would be wracked, indecisive, sobbing on the telephone again to the Kopechnes or shrugging off all friendship to walk by the wasted beach alone. His hellzapoppin' college friend Claude Hooten flew in from Paris to buck him up; it helped, slightly. By Tuesday, when the regulars—Ethel, Lem Billings, Dave Hackett, Joan, Dun and Bill vanden Heuvel—rallied with Kennedy himself to the Kopechne funeral at St. Vincent's in Plymouth, Pennsylvania, the terrible dread again descended; leaving through the gamut of newsmen, all pulp above his neck brace, Kennedy mumbled a promise to make a full statement as soon as possible.

By the time the charter dropped them all off at Hyannis Port, Steve Smith was back from Majorca and installed; Marshall, who had a sick father and a vacationing family of his own to settle, had waited until Smith was back before dropping out for the rest of the week. With Steve Smith's appearance, Ted Kennedy's primary impulse in the situation, which was to go to the public directly and risk whatever legal upshots developed, was stifled, immediately and powerfully. Smith is an extraordinary

personality—he has the capacity to move into almost any situation with an abbreviated quick deadliness, like a kind of high-strung faceted scorpion, so fast that it would take a Bobby resuscitated to have any hope of standing up to his murderous gifts of decision and execution. The direct heir to the money-managing side of the old financier's double-winged operations, the Apparatus—Joseph P. Kennedy, Inc., become Park Avenue, Inc., become Park Agency, Inc.—Smith had about himself and his operatives out of 200 Park Avenue the hauteur, the invincible New York self-assurance of back-room specialists responsible for articulating, whoever the front figure was supposed to be, discretionary monies and media control that won the election of the moment. The Kennedys' Massachusetts handlers stayed bitter over the arrogance, during the campaign months, of the New York bookkeepers from the Agency who flew in and out to wring dry—critically, outspokenly—the Boston people during each of Ted Kennedy's two Senatorial efforts; one of the few family matters Ted Kennedy's Washington staff ever heard him mutter about was his brother-in-law's tightfistedness. There was something confusing about being billed universally as the Leader of All the Kennedys and still having to be as careful as a truant schoolboy about overspending one's pocket money.

Now, well into what was perhaps the prickliest crisis in the history of the Family, Steve was taking over without asking, just as he had taken over, calmed the crowds, helped cut through most of the immediate chaos while Bobby was dying in Los Angeles. Moving at once, he decided which lawyers should supplement attorney Richard McCarron up to and beyond handling the leaving-the-scene charge for which Ted was already scheduled to appear in court a week later, on Monday. Goodwin left; McNamara arrived and was greeted with the high humor typical of the advisers behind closed doors: *Well, here comes the genius who put together the Bay of Pigs and the war in Vietnam. Let's see what he can accomplish with this one.* Sorensen appeared, full already of brooding reproach for what Ted Kennedy's mischief was going to do to the legacy.

They were all vulnerable, and Smith was overstimulated. "Our prime concern was whether or not the guy survived the thing," he exploded later on, "whether he rode out the still-possible charge of manslaughter. You've got to remember that half the press of the world was standing outside in the street. Those guys acted like it was the five p.m. express, Christ, there were telephones all over the goddamn place. If this weren't a public man, in fact if this had been anybody but Edward Kennedy, we wouldn't have gotten the attention. Then when Dinis decided on an inquest, an imprecise process devoted primarily to train accidents that hadn't been used in Massachusetts since, I don't know, never, that was the toughest decision, not to go to the inquest under Judge Boyle's general ground rules, according